

Appl. No. 09/450,023
Amdt. Dated August 18, 2006

REMARKS

Applicant respectfully requests reconsideration of the prior art rejections set forth by the Examiner under 35 U.S.C. sections 102 and 103. Applicant respectfully submits that the prior art references of record, whether considered alone, or in combination, fail to either teach or suggest Applicants' presently claimed invention. More specifically, Applicant notes that although the newly cited Walker reference describes a system for purchasing expert services, it is actually significantly different than the presently claimed invention and provides no teaching or suggestion whatsoever regarding the advantageous use of vendor pools associated with individual buyers of customized goods and/or services.

At best, the subject matter of the newly asserted Walker reference merely describes a system wherein a purchaser of expert services is able to selectively identify experts having generally similar or apparently desired qualifications based on conventional automated searching techniques such as through the use of key word searching and the like. Actually, neither the newly cited Walker reference nor any other reference indicates how a vendor pool could be associated with the buyer as described and claimed in the instant application.

Nevertheless, for the purpose of expediting prosecution and clarifying the significant differences between the prior art and claimed invention, Applicant has modified each of the independent claims to further specify that the buyer associated with each vendor pool determines whether certain vendors will become or remain members of the vendor pool before comparing the vendor records and the job data. More specifically, Applicant has modified the independent claims to specify that there is a separate step of establishing a

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plurality of vendor pools, each being respectively associated with a buyer. The independent claims now further require that each buyer having an associated vendor pool determines whether certain vendors will become or remain members of the vendor pool with which the buyer is associated prior to transmitting any job data from the buyer pertaining to a specific job. In accordance with the presently claimed invention it is only after the vendor pools have been defined that the buyer transmits job data which specifies a plurality of characteristics of said customized good or service for which said buyer wishes a price quote or bid.

Neither the Walker reference nor any of the remaining references of record describe or suggest a system wherein the buyer of customized goods and/or services has its own corresponding vendor pool associated therewith that is subsequently automatically tested for determining whether the vendor is qualified for providing a particular product or service.

Independent claim 1 and claim 25 has been amended and claim 26 has been canceled in response to the new grounds of rejection set forth by the Examiner in the most recent office action. Applicant respectfully submits that the modified claims as set forth herein are clearly patentably distinct over the prior art references cited by the Examiner. In particular, newly modified claim 1 describes a system and method wherein one or more vendor pools are created, the vendor pools are associated exclusively with a single buyer. Furthermore, claim 1 now specifies that the buyer makes an initial determination as to whether certain vendors will be in the vendor pool associated with the buyer before the automatic comparison of vendor records and job data is conducted.

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Advantageously, by utilizing this approach, only those vendors that have demonstrated an adequate level of expertise and/or past performance such that the buyer is willing to include the vendor in the associated pool are used for making a comparison between the vendor capability data and the job requirement data. Essentially, this approach affords the buyer with the desired level of comfort relating to the bidding process so that only pre-screened vendors will be included. Thereafter a comparison of the capabilities for these included vendors is automatically made so that the buyer is certain that only qualified and desired vendors receive any solicitation.

Yet another difference between the presently claimed invention and the prior art is set forth in newly submitted claim 25. In this alternate characterization of the invention, multiple vendor pools are created and each of the vendor pools is associated exclusively with a corresponding buyer. This claim is patentably distinct at least for the reason cited above. Additionally, this claim also specifies that there be at least two automatic comparisons. The first automatic comparison is directed to an identification of which vendors in the buyer's vendor pool have the requisite capability for performing a specified task. In particular, the comparison is automatically made between the vendor capabilities and the job specification. Yet another comparison is thereafter made based upon any additional job selection criterion that is desired by the buyer. For example, additional job selection criteria include such things as, for example, geographic location.

Accordingly, in light of the foregoing, Applicant respectfully submits that claim 1 is allowable over the cited prior art references of record at the very least because there is no

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teaching or suggestion in the prior art whatsoever concerning the exclusive association between a buyer and a corresponding vendor pool and the cited references do not teach or suggest an automated comparison between the actual job specification with vendor capabilities.

Similarly, with regard to claim 25, the art of record does not teach or suggest the creation of a plurality of vendor pools in conjunction with automated analysis of both job specification with respect to vendor capabilities as well as an automated analysis of additional job selection criterion. Therefore, at least for these reasons alone, this claim is allowable. Accordingly, in light of the foregoing, Applicant respectfully submits that all claims now stated in condition for allowance. In light of the advanced stage of prosecution for this application, Applicant respectfully requests an early indication of allowance for this application.

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Applicant respectfully submits that the claim remains in condition for allowance. In light of the foregoing, Applicant respectfully requests allowance of the application.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-3891.

Respectfully submitted,

Date:

8/18/06

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